

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., June 6, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 23, 2006 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations:
 - *Homeownership Month
- Presentations:
 - *Distinguished Service Citations

PUBLIC AGENDA

- 1. Paul A. Miller-Drinking water considerations.

CONSENT AGENDA

- 2. Report of the Board of Bids and Contracts Dated June 5, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Application for License.

Renewal

Marvin Gehrke MG Management 535 South St. Francis

RECOMMENDED ACTION: Approve license subject to Staff review and approval.

4. Applications for Licenses to Retail Cereal Malt Beverages:

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption on Premises)</u> |
|----------------|----------------------------|----------------------------------|
| Rui J. Wang | Fortune Cookie Restaurant* | 620 South Holland Street |

| <u>Renewal</u> | <u>2006</u> | <u>(Consumption off Premises)</u> |
|----------------------|--------------------|---|
| Bich Jennifer Nguyen | Asian Market | 1815 East Central |
| Jeffrey Soller | CVS/Pharmacy #8562 | 2323 North Amidon |
| Sandra Weidner | CVS/Pharmacy #8572 | 250 South Seneca |
| Sandra Weidner | CVS/Pharmacy #8574 | 4035 East Harry |
| Diana Wilson | Tri Bees Express | 1925 West 21 st Street North |
| Mark Branham | QuikTrip #313 | 3164 South Hillside |
| Mark Branham | QuikTrip #320 | 1021 West 31 st Street South |
| Mark Branham | QuikTrip #321 | 6011 West Central |
| Mark Branham | QuikTrip #325 | 1414 North Oliver |
| Mark Branham | QuikTrip #326 | 2010 South Broadway |
| Mark Branham | QuikTrip #328 | 2801 South Hydraulic |
| Mark Branham | QuikTrip #329 | 5602 East Harry |
| Mark Branham | QuikTrip #347 | 1532 South Seneca |
| Mark Branham | QuikTrip #349 | 1112 West Douglas |
| Mark Branham | QuikTrip #353 | 110 South Rock Road |
| Mark Branham | QuikTrip #356 | 4808 South Hydraulic |
| Mark Branham | QuikTrip #358 | 7120 West 21 st Street North |
| Mark Branham | QuikTrip #360 | 3933 West 13 th Street |
| Mark Branham | QuikTrip #366 | 1620 South Webb Road |
| Mark Branham | QuikTrip #368 | 626 West 21 st Street North |
| Mark Branham | QuikTrip #369 | 3216 East Harry |
| Mark Branham | QuikTrip #372 | 3106 East Pawnee |
| Mark Branham | QuikTrip #373 | 1610 East Lincoln |
| Mark Branham | QuikTrip #374 | 10315 West 13 th Street |
| Mark Branham | QuikTrip #376 | 2106 South Rock Road |
| Mark Branham | QuikTrip #378 | 5611 South Broadway |
| Mark Branham | QuikTrip #383 | 11223 East Central |
| Mark Branham | QuikTrip #384 | 2510 West Pawnee |
| Mark Branham | QuikTrip #386 | 1010 East Douglas |
| Mark Branham | QuikTrip #388 | 7991 East 27 th Street North |
| Mark Branham | QuikTrip #389 | 4730 East Central |
| Mark Branham | QuikTrip #391 | 730 North Broadway |

(Item 4 continued)

New Operator

2006

(Consumption off Premises)

Dana Wilson

Tri Bees Express

1925 West 21st Street North

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) Cost of construction of Bridlewood, Bridlewood Court to serve Reed's Cove Addition - south of 21st, east of 127th Street East. (472-84238/765952/490-065) (District II) – Total Estimated Cost \$138,240
- b) Cost of construction of Killenwood Court to serve Killenwood Point Addition (south of 13th Street North, east of Greenwich) (472-83269/765884/490-995) (District II). – Total Estimated Cost \$137,000
- c) 29th Street Water Line, from 135th Street West to 119th Street West (448-89799/ 633765/753905) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$750,000
- d) Hollywood from the north line of K-42 Drive north and west to the west line of Lot 18, Block C; 35th Street South from the northeast line of Hollywood, north to the south line of Lot 31, Block A; Sidewalk on one side of Hollywood and 35th Street South to serve Harvest Ridge Addition - north of K-42, west of Maize. (472-83805/765894/490101) Does not affect existing traffic. (District V) - \$380,000
- e) Lateral 50 Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (468-84090/744182/480870) Does not affect existing traffic. (District V) - \$351,000

RECOMMENDED ACTION: Receive and file.

6. Petitions for Public Improvements:

- a) Construct Paving, Sanitary Sewer and Water Improvements in Legacy Park Wilson Estates Third Addition, south of 21st Street, west of Webb. (District II)
- b) Construct a Water Distribution System in Casa Bella Addition, north of Pawnee, west of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

7. Deeds and Easements:

- a) Sanitary Sewer Easement dated May 23, 2006 from Larry J. Standiford and Roger D. Standiford over a tract of land lying over a portion of Lots 5 through 14, McCarty's Addition to Wichita, Kansas, (OCA# 620454).
- b) Water Line Easement dated May 15, 2006 from Kenneth C. Doonan over a tract of land lying over a portion of Lot 1, Block 1, Doonan Plaza II, an addition to Sedgwick County, Kansas (OCA# 607853).

RECOMMENDED ACTION: Accept documents.

8. Statement of Cost:

- a) (First Partial) Estimate of Cost for the Eastbank Development/Water Walk Project - \$8,975,000; less financing previously issued - \$0. Financing to be issued at this time - \$8,975,000. (792382/435-352).

RECOMMENDED ACTION: Approve and file.

9. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

10. Agreements/Contracts:

- a) Equus Beds Aquifer Storage and Recovery Project, Phase One-Supplemental.
- b) Easement Encroachment Agreement. (District II)
- c) Respread Assessments-The Moorings South Addition, west of Meridian, north of K-96. (District VI)
- d) Respread Assessments-Reed Commercial, Reed's Cove Third and Fourth Additions, south of 21st Street North, east of 127th Street East. (District II)
- e) ***Consent Agreement between the City of Wichita, the Boys and Girls Club of South Central Kansas, Inc. and Intrust Bank. (District I)*** (Item pulled)
- f) Pawnee from 119th Street to Maize Road. (District V)-supplemental.
- g) Kellogg and Rock Road Interchange. (District II)-supplemental.
- h) Central from Oliver to west of Woodlawn. (Districts I and II)-supplemental.
- i) Hillside from Kellogg to Central. (District VI)-supplemental.
- j) Connecting Link Agreement for State and Federal Highways.
- k) Construction Engineering and Staking in Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)-supplemental.
- l) Oliver from Harry to Kellogg. (District III)-supplemental.
- m) Irrigation Systems. (Districts I and V)

(Item 10 continued)

- n) Playground Rehabilitation and Development. (Districts I, III, IV and VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Design Services Agreements:

- a) The Timberlands Addition, north of Harry, west of 127th Street East. (District II)
- b) Krug North, Krug North Second and East Side Community Church Second Additions, north of 21st Street, west of 143rd Street East. (District II)
- c) Highland Springs Third Addition, west of 135th Street West, south of Central. (District V)
- d) Falcon Falls Third Addition, north of 45th Street North, west of Hillside. (District I)
- e) Clifton Cove Addition, south of 63rd Street South, west of Clifton. (District III)
- f) Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

12. Property Acquisitions:

- a) 515 South Webb Road for the East Kellogg Improvement Project. (District II)
- b) Partial Acquisition of land for right-of-way at 7717 West 37th Street North. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize the necessary signatures.

13. 2005 Comprehensive Annual Financial Report.

RECOMMENDED ACTION: Receive and file the 2005 Comprehensive Annual Financial Report and the Independent Accountants' Report regarding internal control and compliance with administration of major federal programs for the year ended December 31, 2005.

14. Memorandum of Understanding with Breakthrough Club.

RECOMMENDED ACTION: Approve the Memorandum of Understanding and authorize the necessary signatures.

15. Trustee Request to sell IRB Property, Series VII, 1997 and XII, 1999, Old Town Center. (District VI)

RECOMMENDED ACTION: Adopt the Resolution conditionally approving the Trustee's request to sell property and the execution and delivery of a Special Warranty Deed, Quitclaim Bill of Sale and Assignment of Leases substantially in accordance with the forms attached to the Resolution as exhibits and also conditionally approving the execution and delivery of any further documents reasonably necessary to accomplish the sale as requested by the Trustee.

16. Renaming of Bike Path. (Districts I, III, IV and VI)

(Item pulled)

17. Daryl Spencer Baseball Field. (District IV)

(Item pulled)

18. Sale of former Magdellan School, 6355 Willowbrook. (District II)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contract and authorize the necessary signatures.

19. Prisoner Reentry Program Memorandum of Agreement.

(Item pulled and deferred to June 13th meeting)

20. Municipal Investment Pool Resolution Updating Authorizations.

RECOMMENDED ACTION: Adopt the resolution updating the list of individuals authorized to execute investment transactions within the Municipal Investment Pool and authorize the necessary signatures.

21. Equus Beds Recharge Project-Joint Funding Agreement with U.S.G.S.

RECOMMENDED ACTION: Approve the Joint Funding Agreement and the increase in operating budget and authorize the necessary signatures.

22. Transfer of CIP Funds.

RECOMMENDED ACTION: Approve the transfer of funds; amend the CIP; adopt the amended Resolutions and authorize the necessary signatures.

23. 24-inch Water Main in 29th Street North from 119th Street West to 135th Street West-Budget Increase. (District V)

RECOMMENDED ACTION: Approve the budget increase; adopt the resolution and authorize the necessary signatures.

24. Sewage Treatment Plant Media Replacement and Decommission of Drying Beds.

RECOMMENDED ACTION: Approve the expenditures; adopt the resolution and authorize the necessary signatures.

25. Second Reading Ordinances: (First read May 23, 2006)

a) A06-13R-generally located southeast of 51st Street North and Meridian Avenue. (District VI)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-13)

b) A06-14R-generally located northeast of the intersection of 55th Street South and Clifton Avenue. (District III)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-14)

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

26. Resolution considering the establishment of a Redevelopment District, Tax Increment Financing. (District II)

A local real estate development company, Loveland Properties L.L. C., has requested assistance from the City of Wichita in the redevelopment of property located near Douglas and Hillside, through the use of tax increment financing.

RECOMMENDED ACTION: Adopt the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for July 11, 2006.

27. Public Hearing and Tax Exemption Request, Weaver Manufacturing, Inc. (District I)

On December 19, 2000, City Council approved a five-plus-five year 100% ad valorem tax exemption for Weaver Manufacturing, Inc. The company is now requesting approval of an Economic Development Tax Exemption on additional new equipment in conjunction with the expansion project.

RECOMMENDED ACTION: Close the public hearing and approve first reading of the Ordinance granting Weaver Manufacturing, Inc. and TDR, Ltd a 45% tax exemption on the identified personal property for a five-year term.

28. Child Passenger Safety Act Amendment, Section 11.38.370.

Currently, the ordinance requires children under the age of four years to be placed in a proper child safety restraining system that meets or exceeds the standards and specifications contained in the federal motor vehicle safety standard no. 213.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

29. Maize and Westport Intersection Improvement. (District V)

On July 12, 2005, the City Council approved a project to improve the intersection of Maize and Westport. An attempt to award a construction contract within the project budget was not successful. An amending ordinance has been prepared to increase the project budget.

RECOMMENDED ACTION: Approve the revised budget; place the amending ordinance on first reading and authorize the signing of State/Federal agreements as required.

30. Greenwich Road Improvement, between 26th and 29th Street North. (District II)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Greenwich, between 26th and 29th Street North. District II Advisory Board sponsored a May 1, 2006, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

31. Amendments to Section 5.66.010 of the Code of the City of Wichita, Kansas, pertaining to Criminal Damage to Property.

The Kansas Legislature increased the jurisdictional amount for the misdemeanor crime of criminal damage to property.

RECOMMENDED ACTION: Declare a public emergency and adopt the ordinance making the recommended amendments to City Code Section 5.66.010.

32. Amendments to Section 5.42.035 of the Code of the City of Wichita, Kansas, pertaining to Unlawful Use of a Financial Card.

The Kansas Legislature increased the jurisdictional amount for the misdemeanor crime of criminal use of a financial card.

RECOMMENDED ACTION: Declare a public emergency and adopt the ordinance making the recommended amendments to City Code Section 5.42.035.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

33. ZON2005-00058-Zone Change from Two-family Residential to Neighborhood Office. Generally located west of Oliver Avenue at the northeast corner of Central and Crestway Avenues. (District I)

RECOMMENDED ACTION: 1) Concur with the Metropolitan Planning Commission and deny the application; OR
2) Take appropriate action, stating reasons.

34. ZON2006-00014-Zone Change from Limited Industrial to General Industrial for Ready Mix Concrete and Asphalt Production Facilities. Generally located 500 feet south of Tulsa, 500 feet east of Hydraulic and west of I-35. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC; approve the zone change subject to re-platting within one year; instruct planning staff to forward the ordinance for first reading when the plat is forwarded to the City Council; instruct staff to withhold publication until the plat is recorded; OR
2) Return the application to the MAPC for reconsideration.

35. *SUB2005-133-Plat of Sycamore Pond Addition, located south of 47th Street South and on the east side of Seneca. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

36. *SUB2006-04-Plat of North Sanitary Sewer Addition, located west of Meridian and south of 53rd Street North. (District VI)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

37. *DED2006-13-Dedication of a Utility Easement, located north of Douglas and west of West Street. (District IV)

RECOMMENDED ACTION: Accept the Dedication.

38. *VAC2006-00021-Request to vacate a platted utility easement, generally located east of Rock Road and north of Kellogg Avenue. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

39. *ZON2006-19-Associated with CON2006-17, Zone Change from Single-Family Residential to Limited Commercial and a Conditional Use to allow a car wash within 200 feet of a residential zoning district. Generally located at the southeast corner of West Maple Street and South Illinois Avenue. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the Zoning change and the Conditional Use to permit a car wash, subject to replatting within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; OR
2) Return the application to the MAPC for reconsideration.

40. *CUP2005-00009 (DP-282) and ZON2005-00006-Extension of time to complete the platting requirement for the Foliage Commercial Community Unit Plan and a zone change from Single-family to Limited Commercial. Generally located north of 13th Street and west of Webb Road. (District II)

RECOMMENDED ACTION: Approve extended platting deadline of May 3, 2009.

41. *CUP2006-06, Associated with ZON2006-07-Create DP-295 Stonebridge Community Unit Plan; Zone Change to Limited Commercial. Generally located at the southeast corner of 37th Street North and Maize Road. (District V)

RECOMMENDED ACTION: 1. Approve the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; OR
2. Return the application to the MAPC for reconsideration.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.
*Consent items

42. *Relocation Associated with the Acquisition of 4700 North Webb Road for Runway Approach Protection, Colonel James Jabara Airport.

RECOMMENDED ACTION: Approve the payment and budget and adopt the resolution.

43. *Mechanical Systems Improvements, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

CITY COUNCIL

44. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

45. Approval of travel expenses for Council Members Brewer and Fearey to participate in Prisoner Reentry Site Visit in St. Louis, Missouri, June 21-22, 2006.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

Workshop to follow